

EX. 7

DEBORAH NEGRYCH

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DARCY M. BLACK,

Plaintiff,

-vs-

BUFFALO MEAT SERVICE, INC., doing business
as BOULEVARD BLACK ANGUS, also known as
BLACK ANGUS MEATS, also known as
BLACK ANGUS MEATS & SEAFOOD,
ROBERT SEIBERT,
DIANE SEIBERT,
KEEGAN ROBERTS,

Defendants.

Examination Before Trial of
DEBORAH NEGRYCH, taken pursuant to the Federal Rules of
Civil Procedure, in the law offices of GRECO TRAPP, PLLC,
1700 Rand Building, 14 Lafayette Square, Buffalo, New York,
taken on January 8, 2018, commencing at 9:36 A.M., before
MARY ANN MORETTA, Notary Public.

1 when you started at Black Angus Meat?

2 A. Possibly, yes. It was in '90, '91.

3 Q. Okay. We don't have an application for you.

4 A. Okay.

5 Q. I don't know why. But so my question -- you are
6 not sure?

7 A. No, I'm not sure.

8 Q. Okay. I would like you to go to the next
9 document. You can just put them over here when
10 you are done.

11 A. Okay.

12 Q. And Exhibit 120 which is -- see the sticker
13 that's gold? That's the exhibit number. Okay?

14 A. Okay.

15 Q. Looking at Exhibit 120, do you see where it says
16 your name, Deborah Negrych, for the payroll
17 period ending 1/2/05 and -- just 1/2/05. Do you
18 see where it says your name and it says
19 thirty-nine point seven five hours, four hundred
20 seventeen dollars and thirty-eight cents?

21 A. Yes.

22 Q. And is that what you were earning at that time?

23 A. Apparently. That's what it says, yes.

1 Q. Okay. And do you recognize that as ten dollars
2 and fifty cents an hour?

3 A. Yes, approximately.

4 MR. OPPENHEIMER: Are you saying you recognize it or
5 are you taking her word for it?

6 THE WITNESS: I'm taking her word.

7 MR. OPPENHEIMER: Tell her the truth.

8 THE WITNESS: I can't do the math in my head.

9 MR. OPPENHEIMER: If you compute it and tell her what
10 you're computing based on your calculator.

11 MS. GRECO: The calculations are based on what we did
12 previously to calculate what your hourly rate
13 was. Let me check because I do want to know for
14 sure. Again, let's check it.

15 MR. OPPENHEIMER: If you are not calculating and you
16 are assuming, just tell her that.

17 THE WITNESS: Okay.

18 BY MS. GRECO:

19 Q. Ten dollars and fifty cents. Okay. So do you
20 recall a time when you received ten dollars and
21 fifty cents as an hourly rate?

22 A. Apparently, yes.

23 Q. And in 2004, how many years had you been working

1 there?

2 A. Well, it was '91.

3 Q. It was January of '91. This is for the pay
4 period beginning -- ending January 2 of '05,
5 fourteen years.

6 A. Fourteen years.

7 Q. Prior to this time had you been receiving regular
8 pay raises?

9 MR. OPPENHEIMER: Form.

10 BY MS. GRECO:

11 Q. You can answer.

12 A. I don't remember.

13 Q. Do you remember what you started working at --
14 when you began working?

15 A. No, I don't.

16 Q. After fourteen years of work, were you happy with
17 earning ten dollars and fifty cents an hour?

18 A. Yes.

19 Q. And why do you say you were happy?

20 A. Because they were very good to me. They worked
21 with me, as far as hours go, with my children.

22 Q. And in 2005, how old were your children?

23 MR. OPPENHEIMER: Do you want a piece of paper?

1 MS. GRECO: Yes. It's obvious.

2 MR. OPPENHEIMER: It's not obvious.

3 BY MS. GRECO:

4 Q. I'm asking you to trust it says forty hours, it
5 says four twenty. Assume it's ten dollars and
6 fifty cents an hour. Look now on this one and it
7 says -- I'm sorry. Look at the next one, which
8 is -- the first page is the paycheck ending
9 12/10/06. The next one is the pay period
10 12/11/06. Do you see that? It says -- it again
11 says forty hours, four hundred twenty dollars.
12 In the bottom it says medical, fifty dollars.

13 A. Yes.

14 Q. Okay. Did there come a time when you started
15 paying towards your medical insurance?

16 A. Yes.

17 Q. Do you know when that was?

18 A. I don't recall.

19 Q. Okay. Do you know if it was any time before the
20 pay period ending December 11th, 2006?

21 A. I don't recall.

22 Q. It says fifty dollars.

23 A. Yes.

1 Q. Was that an amount that was taken out weekly?

2 A. Yes.

3 Q. Okay. How did it come about that money started
4 to be taken out of your paycheck?

5 MR. OPPENHEIMER: Form.

6 THE WITNESS: I was informed insurance had gone up
7 quite a bit.

8 BY MS. GRECO:

9 Q. Who told you that?

10 A. Diane.

11 Q. When? Do you recall when?

12 A. I don't recall.

13 Q. Can you tell me, the best you can recall, what
14 she said to you and what you said to her?

15 A. That insurance had increased quite a bit and that
16 would I be willing to pay for some of it.

17 Q. Did she tell you how much the cost was at that
18 time?

19 A. Yes.

20 Q. What was it?

21 A. Oh, I don't know. She didn't tell me. I thought
22 you meant -- I don't know.

23 Q. Did she tell you what the total cost of the

1 insurance was on an annual basis?

2 A. No.

3 Q. So how did you arrive at the fact you would pay
4 fifty dollars a week?

5 A. She asked if I would be willing to pay the fifty
6 dollars a week for health insurance.

7 Q. She came up with the fifty dollars a week?

8 A. Yes.

9 Q. And fifty dollars a week times fifty-two weeks is
10 two thousand six hundred dollars, is that true?

11 MR. OPPENHEIMER: You are asking her to assume that.

12 BY MS. GRECO:

13 Q. Do you know if that's what you were paying on an
14 annual basis?

15 A. I don't know.

16 Q. And you did not get a raise at that time?

17 MR. OPPENHEIMER: Form. What time?

18 MS. GRECO: On this day. I just showed her forty
19 hours at four hundred twenty dollars which is ten
20 dollars and fifty cents. You can assume it's ten
21 dollars and fifty cents and there's a
22 fifty-dollar deduction.

23 THE WITNESS: Right.

1 BY MS. GRECO:

2 Q. So what I'm asking is, at the time you had to pay
3 fifty dollars a week health insurance, you had
4 still never received a raise from the time we
5 know at least, when we first started with these
6 records, which was pay period ending 1/2/05?

7 A. True.

8 Q. And did you consistently continue to pay fifty
9 dollars a week?

10 A. Yes.

11 Q. Going now to Exhibit 127 for the pay period
12 ending 5/31/2009. If you look at it, it's the
13 payroll pre-checking (sic) report for your name.
14 It's -- and then look at the one that ends, page
15 three, 6/7/09, you'll see that as of week ending
16 6/7/09, you are working forty hours and making
17 four hundred forty dollars, which is eleven
18 dollars an hour. At that time, you were still
19 paying medical of fifty dollars a week. Do you
20 recall seeing a -- getting a raise for the pay
21 period ending June 7th, 2009 to eleven dollars an
22 hour?

23 A. Apparently, yes.

1 Q. Do you remember it?

2 A. No, I don't.

3 Q. Do you remember how it came about?

4 A. No, I don't.

5 Q. Do you remember any conversation relative to it?

6 A. I don't.

7 Q. Okay. And at this point, did you have any
8 knowledge as to how much your health insurance
9 was costing?

10 A. No.

11 Q. Do you know if Black Angus Meat paid anyone
12 else's health insurance?

13 A. I don't know.

14 Q. Did they ever indicate to you whether they paid
15 anyone else's health insurance?

16 A. They never did, no.

17 Q. Did they ever indicate to you how much you were
18 being paid in relation to other individuals?

19 A. No.

20 Q. Did they tell you that you were the most highly
21 paid except for the butcher?

22 A. No.

23 Q. Okay. Looking now at Exhibit 128, W-2 report for

1 the year 2009 indicating that you earned wages,
2 tips and other compensation of twenty-five
3 thousand nine hundred twenty-eight dollars and
4 thirty-one cents. Do you have any reason to
5 believe that's not accurate?

6 A. No.

7 Q. Looking now at Exhibit 129. You see it's got a
8 pay period ending -- it's payroll pre-check
9 writing report for payroll ending 12/26/2010.
10 And the third page is payroll ending 1/2/2011.
11 Do you see that for the first page ending
12 12/26/2010 you worked forty hours and made four
13 hundred forty dollars?

14 A. Yes.

15 Q. Which is eleven dollars an hour?

16 A. Yes.

17 Q. Okay. Now, when you go to the last page it
18 indicates that you worked forty hours and made
19 four hundred twenty dollars. Do you see that?

20 MR. OPPENHEIMER: Right here?

21 THE WITNESS: Yes.

22 BY MS. GRECO:

23 Q. Do you recall getting a pay decrease --

1 A. No.

2 Q. Okay. Do you have any reason to dispute it?

3 A. No.

4 Q. Did you work with anyone who was Native American?

5 A. I don't recall, no.

6 Q. Do you work with anyone that was Asian?

7 A. I don't recall.

8 Q. Is there anything that would help you remember?

9 A. No.

10 Q. Do you know a person by the name of Eric Seneca?

11 A. Yes.

12 Q. According to the records we were provided,
13 Exhibit 209, he was Native American.

14 A. Okay.

15 Q. And he started September 5, 2010. Do you recall
16 that?

17 A. What date was it?

18 Q. September 5, 2010. It says he was a front
19 counter employee.

20 A. I don't recall when he started.

21 Q. Did you work with him?

22 A. Yes.

23 Q. Did he work there approximately two months?

1 A. Depending on who was there, we would take it into
2 the office and put it on the desk.
3 Q. So what if Diane Seibert was there, what would
4 you do?
5 A. I would hand it to her.
6 Q. What about if Keegan Roberts was there -- Diane
7 Seibert wasn't, but Keegan Roberts was?
8 A. He usually wasn't there that often.
9 Q. When you would hand it to Diane Seibert, what
10 would happen?
11 A. If she wasn't too busy, she would ask them to
12 come in and she would talk to them.
13 Q. Did she do that for everyone?
14 A. Yes, unless she was busy. Then she would ask
15 them to either come back or she would call them
16 to come back.
17 Q. It's your understanding every single person that
18 applied got an interview?
19 A. Unless we weren't hiring at the time.
20 Q. If you were hiring, every single person who put
21 in an application, when there was an open
22 position, would get an interview, that's your
23 understanding?

1 A. Yes.

2 Q. Do you know a customer by the name of Mr. John?

3 A. No.

4 Q. A tall, black man. He walks with a cane. He's
5 heavier set. Do you recall him now, a regular
6 customer?

7 MR. OPPENHEIMER: Do you recall him from that
8 description?

9 THE WITNESS: No.

10 BY MS. GRECO:

11 Q. Do you call any of your customers Mr. John?

12 A. No.

13 Q. No?

14 A. No.

15 Q. Diane Seibert, the record will speak for itself,
16 said there were many Mr. Johns.

17 A. We have a customer that comes in, but he doesn't
18 walk with a cane, but we call him John.

19 Q. John. How many customers do you have by the name
20 of John?

21 A. Probably a lot.

22 Q. That you call by the name of John?

23 A. Yes.

1 Q. Is that a policy at Black Angus Meat that
2 individuals were expected to be at work on time?

3 A. Yes.

4 Q. And if you were not going to arrive on time, was
5 there a policy or expectation, in your experience
6 at Black Angus Meat, as to what should occur?

7 MR. OPPENHEIMER: Form.

8 THE WITNESS: No.

9 BY MS. GRECO:

10 Q. Okay. If you were not going to be in, would you
11 call in?

12 A. Yes.

13 Q. Do you believe you were expected to call in?

14 A. Yes.

15 Q. With regard to your schedule, who determined your
16 schedule?

17 A. Usually Diane.

18 Q. Do you know how she would determine that?

19 A. Depending on how busy the week was going to be
20 and who was needed.

21 Q. Were your hours ever decreased because Black
22 Angus Meat was not busy during the slow season?

23 A. No.

1 A. No.

2 Q. And did you ever, at any time, tell Jamie that
3 Darcy didn't find it funny, his joking about her
4 children?

5 A. She didn't say that to me.

6 Q. No. Did you ever tell Jamie that Darcy didn't
7 find it funny relative to him joking about her
8 children?

9 A. No.

10 Q. Okay. Did you ever tell Jamie that he had to
11 stop doing anything relative to Darcy Black?

12 MR. OPPENHEIMER: Form.

13 THE WITNESS: Yes.

14 BY MS. GRECO:

15 Q. What?

16 A. Darcy came to me and said she doesn't find
17 Jamie's jokes funny anymore. I said Jamie, Darcy
18 doesn't find your jokes funny anymore.

19 Q. And do you know -- did you ever ask what Darcy
20 meant about Jamie's, quote, unquote, jokes?

21 A. No.

22 Q. Do you know if Jamie Lapress referred to
23 African-American customers as nigs?

1 A. No, he never did.

2 Q. You know for sure he never did?

3 A. I never heard him.

4 Q. Well, you didn't work in the pack room, did you?

5 MR. OPPENHEIMER: You are arguing with her now.

6 BY MS. GRECO:

7 Q. You said he never did. What I want to know is
8 how do you know that?

9 MR. OPPENHEIMER: She said she never saw or heard
10 him.

11 THE WITNESS: I never heard it.

12 BY MS. GRECO:

13 Q. How much time would you see him during the day?

14 A. About half the day.

15 Q. Okay. So he would spend half the day in the
16 front of the room?

17 A. In the washroom. He was mostly in the washroom.

18 Q. He spent most of the day in the washroom?

19 A. In the washroom, washing trays in there, yes.

20 Q. What else would he do in the washroom?

21 A. Put the load away.

22 Q. Anything else?

23 A. I never paid attention to what other people did.

1 Q. Would you say the vast majority of the time she
2 worked in the pack room?

3 MR. OPPENHEIMER: Form.

4 BY MS. GRECO:

5 Q. You can answer.

6 A. Yes.

7 Q. And did you ever hear Jamie Lapress say any,
8 quote, unquote, what you perceived to be a joke
9 to Darcy Black?

10 A. Yes.

11 Q. What did you hear him say?

12 A. They would just joke around.

13 Q. I'm asking you specifically what, if anything, do
14 you recall him saying to her?

15 A. I don't recall.

16 Q. Okay. And is it possible that when you weren't
17 present, he could have referred to
18 African-American customers as nigs?

19 MR. OPPENHEIMER: Oh, Jesus Christ. That's so
20 argumentative and it's such a terrible question.

21 THE WITNESS: I never heard.

22 BY MS. GRECO:

23 Q. But you weren't with him all the time, were you?

1 A. No.

2 Q. Okay. And do you recall what Darcy said
3 specifically he said about her kids that she was
4 upset about?

5 A. She -- it wasn't about her kids at all. She
6 never mentioned her kids to me.

7 Q. What did she say to you?

8 MR. OPPENHEIMER: Form. Asked and answered at least
9 twice now.

10 BY MS. GRECO:

11 Q. Go ahead.

12 A. She said I don't find Jamie's jokes funny
13 anymore.

14 Q. Okay. And you never asked anyone what those
15 jokes were?

16 A. No.

17 Q. And you never asked her what those jokes --

18 A. No.

19 Q. You have to let me finish. You never asked her
20 what those jokes were?

21 A. No.

22 Q. What did Jamie say to you when you said that?

23 A. Okay.

1 Q. And did you tell him he needed to stop?

2 A. I just said she doesn't find them funny anymore.

3 He said okay.

4 Q. And do you know there was an incident with a
5 paper towel dispenser? Are you familiar with
6 that?

7 MR. OPPENHEIMER: Form.

8 THE WITNESS: Yes.

9 BY MS. GRECO:

10 Q. Do you know how much before that incident Darcy
11 Black complained to you regarding Jamie Lapress?

12 MR. OPPENHEIMER: Objection. There's no testimony
13 there was a complaint.

14 MS. GRECO: Well, I'm asking.

15 THE WITNESS: When was the paper towel incident?

16 BY MS. GRECO:

17 Q. Assume the paper towel incident was sometime in
18 May of 2010.

19 A. And when did Darcy leave?

20 Q. May of 2010. I'm not trying to get an exact
21 date. Was it a month? Was it two months? Was
22 it a year?

23 A. I don't recall.

1 Q. You do recall it was before the incident?

2 A. It may have been after.

3 Q. You have no recollection when it occurred?

4 A. No.

5 Q. Did Darcy Black ever tell you that she was going
6 to quit work before she left?

7 A. Yes.

8 Q. Okay. And when did she tell you that?

9 A. About a month before she intended on leaving she
10 said -- her brother had gotten her a job at -- it
11 was a school and that she was going to ask if she
12 could stay on part-time.

13 Q. At the time you had that conversation with her,
14 was she working at the school?

15 A. No.

16 Q. Did you ever know if she was working part-time
17 anywhere?

18 A. No.

19 Q. Did she ever indicate to you that she was working
20 part-time at a school?

21 A. No.

22 Q. Were you ever aware that she couldn't pay for her
23 medical insurance so she had to get another job?

1 MR. OPPENHEIMER: Form.

2 BY MS. GRECO:

3 Q. Second job?

4 A. At what time?

5 Q. Well, at the time when you say she told you this.

6 MR. OPPENHEIMER: Form.

7 THE WITNESS: What she said is she wanted to stay and
8 work part-time at Black Angus Meat when she went
9 to work for the school.

10 BY MS. GRECO:

11 Q. So it's your understanding -- your recollection
12 that she never went to work -- she was not
13 working for someone else while she was working at
14 Black Angus Meat?

15 A. Not that I know of.

16 Q. And are you sure your recollection is accurate
17 she was working somewhere else?

18 A. I didn't know about that.

19 Q. What I want to make sure is that you for sure
20 know she was leaving as opposed to she was
21 working somewhere else, which she was?

22 A. I didn't know anything about it.

23 Q. So, but you were aware that it was a school?

1 Q. If you know.

2 A. I don't recall.

3 Q. Okay. Was Darcy a hard worker?

4 A. She was a good worker, yes.

5 Q. Based on your observations, do you think she gave
6 a fair day's work when she was working there, she
7 did her best?

8 A. Most of the time, yes.

9 Q. Would you say that Jamie Lapress gave a full
10 day's work?

11 A. Yes.

12 Q. And would you say most of the time for him also?

13 A. Yes.

14 Q. How about Mark Leible?

15 A. Yes.

16 Q. Same thing. Do you recall a time when, after
17 Darcy Black got married, where she lost health
18 insurance coverage?

19 MR. OPPENHEIMER: Form.

20 THE WITNESS: No.

21 BY MS. GRECO:

22 Q. Were you aware -- at any time aware Darcy Black
23 needed to get more work because she needed money

1 A. To whom?

2 Q. To -- I'm sorry. Mr. Lapress be smoking behind a
3 dumpster?

4 A. No.

5 Q. Okay. Were you ever aware of Darcy Black making
6 any items that were added to the menu at Black
7 Angus Meat?

8 MR. OPPENHEIMER: Form. Making?

9 MS. GRECO: Creating.

10 MR. OPPENHEIMER: That's two different things.

11 Creating?

12 BY MS. GRECO:

13 Q. Creating.

14 A. One time she said that we would make baked
15 macaroni and cheese and she said, I believe it
16 was her grandmother used to put tomatoes in it,
17 so we tried that.

18 Q. Anything else?

19 A. No.

20 Q. Were you ever familiar with a spiral noodle
21 antipasto?

22 A. Yes.

23 Q. Do you know who created that recipe?

1 A. Yes.

2 Q. Do you know if any individual employees used text
3 messages during work?

4 A. I don't know.

5 Q. Did you ever see anyone texting at work?

6 A. No.

7 Q. Were you aware of any male employees making
8 comments of a sexual nature to female employees?

9 A. No.

10 Q. Were you aware of any male employee telling any
11 female employee that she's got a nice ass?

12 A. No.

13 Q. Would you find it offensive for a male employee
14 to tell a female employee she's got a nice ass?

15 A. Yes.

16 Q. Did you -- were you aware of any male employee
17 telling a female employee or multiple female
18 employees your headlights are on?

19 MR. OPPENHEIMER: Form.

20 THE WITNESS: What does that mean?

21 BY MS. GRECO:

22 Q. Do you know what that means?

23 A. No.

1 Q. Did you ever hear any male employee tell a female
2 employee, oh, look at that cleavage?

3 A. No.

4 Q. If a male employee had told a female employee,
5 oh, look at that cleavage, would you find that
6 offensive?

7 A. No.

8 Q. Did you ever hear a male employee tell a female
9 employee does the carpet match the drapes?

10 A. No.

11 Q. Do you know what that means?

12 A. Yes.

13 Q. Your private area, public area match your hair?

14 A. Yes.

15 Q. If a male employee told a female employee does
16 the carpet match the drapes, is that offensive?

17 A. Yes.

18 Q. Are any of those statements, if they were made,
19 the ones I just went through, appropriate in the
20 workplace?

21 A. No.

22 Q. How many people, based on your experience, would
23 apply when a help-wanted sign was out? Just in

1 boyfriend?

2 A. I don't know.

3 Q. Were Regina Rush and Raelean Rush friends of
4 Darcy Black?

5 MR. OPPENHEIMER: Form.

6 THE WITNESS: I thought so.

7 BY MS. GRECO:

8 Q. Do you think they were only friends because they
9 had African-American boyfriends and Darcy had --

10 MR. OPPENHEIMER: Jesus Christ.

11 BY MS. GRECO:

12 Q. -- biracial children?

13 A. No.

14 Q. Did you ever tell Diane Seibert or Robert Seibert
15 that Raelean Rush, Regina Rush both dated
16 African-Americans and Darcy felt a connection to
17 them because her children were biracial?

18 A. No.

19 Q. Would you ever say that?

20 A. No.

21 Q. Why not?

22 A. Because I treat everybody equally. And Darcy
23 could tell you that.

1 Q. Did you ever hear or learn that Sean Round made
2 the following comment to Raelean Rush or Regina
3 Rush -- do you follow me? I'm not trying to
4 trick you.

5 A. Yes.

6 Q. Okay. That she would be better off with a white
7 guy?

8 MR. OPPENHEIMER: Form.

9 THE WITNESS: No.

10 BY MS. GRECO:

11 Q. Did you ever hear or learn that Sean Round made
12 the following comment to Raelean Rush or Regina
13 Rush, that she needs to be with one of her own
14 kind?

15 MR. OPPENHEIMER: Form.

16 THE WITNESS: No.

17 BY MS. GRECO:

18 Q. Did you ever hear or learn that Sean Round made
19 the following comment to Raelean Rush or Regina
20 Rush, what is wrong with white guys?

21 MR. OPPENHEIMER: Form.

22 THE WITNESS: No.

23 BY MS. GRECO:

1 Q. If those comments were made by Sean Round in the
2 workplace, in your opinion, would they be
3 offensive?

4 MR. OPPENHEIMER: Form.

5 THE WITNESS: Yes.

6 BY MS. GRECO:

7 Q. And in your opinion, would they be inappropriate
8 in the workplace?

9 A. As far as he made those comments?

10 Q. If -- assuming he made them to Raelean and/or
11 Regina, would it be inappropriate for them to be
12 made in the workplace?

13 A. Yes.

14 Q. And would you agree with me that those statements
15 are racially offensive?

16 MR. OPPENHEIMER: Form.

17 THE WITNESS: Depending on the content.

18 BY MS. GRECO:

19 Q. Well, telling a white woman who is dating a black
20 man that she needs to be with one of her own
21 kind, do you find that racial?

22 A. Yes.

23 Q. Or telling a white woman who is dating a black

1 man that she would be better off with a white
2 guy, would you agree that's racially offensive?

3 A. Yes.

4 Q. Telling a white woman who is dating a black man
5 what's wrong with white guys --

6 A. Yes.

7 Q. -- would you agree that's racially offensive?

8 A. Yes.

9 Q. Did you ever hear or learn that Sean Round told
10 Raelean Rush that her boyfriend, who was an
11 African-American, was using her to get her name
12 because black men always cheat and he probably
13 has a lot of girlfriends?

14 MR. OPPENHEIMER: Form.

15 THE WITNESS: No.

16 BY MS. GRECO:

17 Q. If that statement was stated in the workplace, do
18 you believe it would be offensive?

19 A. Yes.

20 Q. Do you believe it would be inappropriate?

21 A. Yes.

22 Q. Do you believe it would be racially offensive?

23 A. Yes.

1 Q. Were you ever aware of any incidents where
2 Raelean Rush told Sean Round that, in these or
3 similar words, she didn't care what he said about
4 her, but her personal life was none of his
5 business and asked him to refrain from commenting
6 on it?

7 A. No.

8 Q. Is it fair to say that if comments of a racial
9 nature were made in the pack room, you would not
10 be privy to them?

11 MR. OPPENHEIMER: Form.

12 BY MS. GRECO:

13 Q. You would not be present to hear them, is that
14 fair?

15 A. Yes.

16 Q. Did you ever hear or were you aware of Sean Round
17 saying that he delivered to Bob's nigs?

18 MR. OPPENHEIMER: Form.

19 THE WITNESS: No.

20 BY MS. GRECO:

21 Q. Would it be ever appropriate to refer to Black
22 Angus Meat's African-American customers as Bob's
23 nigs?

1 A. No.

2 Q. Or nigs at all?

3 A. Right. No.

4 Q. Were you ever aware -- did you ever hear or did
5 you ever learn that Jamie Lapress said that the
6 owner, Robert Seibert, called him on the phone
7 and said his, meaning Robert Seibert's, nigs are
8 dirtying up the parking lot?

9 MR. OPPENHEIMER: Form.

10 THE WITNESS: No.

11 BY MS. GRECO:

12 Q. If such a statement was made, would that be
13 racially offensive?

14 A. Yes.

15 Q. If Sean Round had said that he had to deliver to
16 Bob's nigs, would that be racially offensive?

17 A. Yes.

18 Q. Okay. Did you ever hear or learn that Jamie
19 Lapress or Sean Round and/or meaning both one or
20 the other said in these or similar words relative
21 to African-American customers, how can they have
22 nice cars and get food stamps?

23 MR. OPPENHEIMER: Form.

1 THE WITNESS: No.

2 BY MS. GRECO:

3 Q. If those statements had been made, would you
4 agree that they are racially offensive?

5 A. Yes.

6 Q. Did you ever learn that Jamie Lapress and/or Sean
7 Round said in these or similar words relative to
8 African-American customers, how come they have
9 nice clothes and get food stamps?

10 MR. OPPENHEIMER: Form.

11 THE WITNESS: No.

12 BY MS. GRECO:

13 Q. Would you agree with me if that was said, that
14 that is racially offensive?

15 A. Yes.

16 Q. Were you ever aware when a large, black customer
17 with food stamps came in the store to purchase
18 steaks, did you ever hear or learn that Nicole
19 Seibert said in these or similar words, why can't
20 he get out and work?

21 A. No.

22 Q. Would you agree with me that would be racially
23 offensive?

1 Q. When is the first time you ever heard Robert
2 Seibert say you can talk about the weather and
3 sports, there's no soap opera -- strike that.
4 When is the first time you ever heard Robert
5 Seibert saying these words or similar words, you
6 can talk about weather and sports, this is no
7 soap opera, leave your personal dramas at home?

8 A. He always said that.

9 Q. When you first started working there, is that
10 something he said?

11 A. Basically, yes.

12 Q. Has he continually said that throughout the
13 years?

14 A. Yes.

15 Q. So that's not something that all of a sudden he
16 started saying because Darcy Black was working
17 there?

18 A. No. He didn't even like us discussing personal
19 problems between each other.

20 Q. Did you ever hear at work that Darcy Black was
21 going to divorce her husband?

22 A. No.

23 Q. Okay. Did you ever hear Robert Seibert say or

1 learn that he said that he told Darcy Black that
2 she would have to get used to the idea her
3 children were black, there was no changing that?

4 MR. OPPENHEIMER: Form.

5 THE WITNESS: No.

6 BY MS. GRECO:

7 Q. Would you ever think it would be appropriate for
8 an employer to say that to a mother regarding her
9 children?

10 A. No.

11 Q. Would you agree with me that that is racially
12 offensive?

13 A. Yes.

14 Q. Did you ever hear the term inner-city customer?

15 A. Yes.

16 Q. Okay. Is that something that is used at Black
17 Angus Meat?

18 A. At times, yes.

19 Q. What does it mean?

20 A. It's a delivery area. They would say we are
21 delivering to the inner-city area.

22 Q. What is inner-city area?

23 A. I believe -- I don't deliver, but I believe it's

1 MR. OPPENHEIMER: You're very welcome. I wish I
2 could educate you about many things.

3 MS. GRECO: Guess what, there's no basis for that, so
4 we can see what you make of it at trial.

5 MR. OPPENHEIMER: You won't get to trial.

6 MS. GRECO: We will see about that, won't we?

7 MR. OPPENHEIMER: Yes.

8 BY MS. GRECO:

9 Q. Did you ever hear anyone say in these or similar
10 words, that Darcy was easy to feel sorry for
11 early on in her employment because she was a
12 single mother with two biracial children trying
13 to work to provide for her family?

14 A. No.

15 Q. Would you agree with me that's racially offensive
16 to refer to her biracial children?

17 A. Yes.

18 Q. Did you ever receive a loan from Black Angus Meat
19 that you may have paid back?

20 A. No.

21 Q. Do you know other individuals who received loans?

22 A. Yes.

23 Q. Okay. And who were the ones that you know about?

1 Q. Did you ever have any understanding where this
2 incident occurred between Jamie Lapress and Darcy
3 Black?

4 A. I don't recall.

5 Q. Do you recall if anyone ever told you?

6 A. No, I don't. I knew nothing about it. I wasn't
7 there. I didn't know anything about it. I may
8 have been there, but I didn't know anything about
9 it.

10 Q. Okay. Did anyone, other than Keegan Roberts,
11 ever speak to you regarding this incident?

12 MR. OPPENHEIMER: Form.

13 BY MS. GRECO:

14 Q. I'm asking at any time, that means before or
15 after Darcy Black left Black Angus Meat.

16 A. No.

17 Q. Okay. Do you recall Miss Black saying to you --
18 complaining to you that Mr. Lapress referred to
19 her children as niggers?

20 A. No.

21 Q. Do you recall Miss Black telling you -- well,
22 strike that. Do you recall Miss Black saying
23 that Mr. Lapress said to her you have two -- do